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Counsel for Defendant Singapore Airlines Limited

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

Master File No. C 07-5634-CRB

MDL NO. 1913

This Document Relates To:

ALL ACTIONS

**STIPULATION AND [PROPOSED]
ORDER REGARDING WITHDRAWAL
OF SINGAPORE AIRLINES
LIMITED'S MOTION FOR
SUMMARY JUDGMENT ON ALL
CLAIMS IN THE SECOND AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT**

1 Plaintiffs and Defendant Singapore Airlines Limited (“SIA”) hereby agree and
2 stipulate as follows:

3 WHEREAS Defendants Air New Zealand Ltd., Cathay Pacific Airways Ltd.,
4 China Airlines, Ltd., EVA Airways Corp., Philippine Airlines, Inc., Qantas Airways Limited,
5 Singapore Airlines Limited, and Thai Airways filed a joint brief for summary judgment
6 based on the Filed Rate Doctrine on September 10, 2013 (Dkt. No. 728);

7 WHEREAS, SIA filed an individual motion for summary judgment and
8 supporting briefs based on the Filed Rate Doctrine (Dkt. Nos. 786, 786-1, 787 and 787-1
9 through 787-6);

10 WHEREAS, Plaintiffs and SIA, by and through their counsel, have since entered
11 into a Settlement Agreement;

12 WHEREAS, Plaintiffs intend to seek an order preliminarily approving the
13 Settlement Agreement at an appropriate time convenient to the Court and counsel for the
14 parties;

15 WHEREAS, Plaintiffs and SIA believe it would be more efficient to withdraw
16 SIA’s motion for summary judgment on the Filed Rate Doctrine pending the Court’s
17 determination of Plaintiffs’ forthcoming motion seeking approval of the Settlement
18 Agreement;

19 NOW THEREFORE, the Parties agree and stipulate as follows:

- 20 1. SIA withdraws from the joint brief for summary judgment based on the Filed Rate
21 Doctrine (Dkt. No. 728);
22 2. SIA withdraws its motion for summary judgment and supporting declarations based
23 on the Filed Rate Doctrine Dkt. Nos. 786, 786-1, 787 and 787-1 through 787-6;
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3. If SIA is not dismissed from the case as a result of the Settlement Agreement, SIA shall be permitted to reinstate its motion for summary judgment and the motion's accompanying papers based on the Filed Rate Doctrine, as well as file a reply brief and accompanying papers, which it did not file on July 30, 2014 due to the Settlement Agreement. Such reply brief shall be subject to the limitations previously ordered by the Court.

SO STIPULATED.

August 13, 2014

LATHAM & WATKINS LLP

/s/ William R. Sherman

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August 13, 2014

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1 August 13, 2014

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11 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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13
14 DATE: August __, 2014

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18 CHARLES R. BREYER
19 UNITED STATES DISTRICT COURT
20 SENIOR DISTRICT JUDGE

ATTESTATION CLAUSE

I, Steven N. Williams, hereby attest in accordance with Civil Local Rule 5-1(i)(3), the above listed counsel have provided concurrence with the electronic filing of the foregoing document entitled: STIPULATION AND [PROPOSED] ORDER REGARDING WITHDRAWAL OF SINGAPORE AIRLINES LIMITED'S MOTION FOR SUMMARY JUDGMENT ON ALL CLAIMS IN THE SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT.

DATED: August 13, 2014

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